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Honorable Katherine Polk Failla
United State District Judge
United State District Court of the
Southern District of New York
Pro Se Intake Unit
40 Foley Square, Room 105
New York, NY 10007
(212) 805-0175

MEMO ENDORSED

September 20, 2023

Re: *Nicholas Weir v. Montefiore Medical Center et al.*
Case No. 1:23-CV-04468

LETTER MOTION FOR AN EXTENSION OF TIME

Dear Judge Failla,

Plaintiff respectfully requests an extension of time to submit his motion to reconsider. Plaintiff had several other obligations that prevented him from properly preparing his motion for reconsideration. Plaintiff has submitted a motion to reconsider (ECF No. 28) that he was able to drafted up in two days. Plaintiff needs additional time to properly develop his argument to allow for more clarity of his arguments for the Court and Defendants. Henceforth, Plaintiff respectfully moves the Court to enlarged the normal 14-days period under Local Civil Rule 6.3 for motion to reconsider to 28-days period. Therefore, the new return date for Plaintiff to resubmit his motion to reconsider is October 4, 2023.

Respectfully,
Nicholas Weir, Pro Se

CC via ECF

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The Court is in receipt of Plaintiff's above submission, as well as his separate motion for reconsideration filed at docket number 28. The Court is mindful of Plaintiff's *pro se* status, and will grant Plaintiff's request.

When submitting his brief, Plaintiff is advised to adhere to Local Rule 6.3, which provides that the accompanying memorandum shall "set[] forth concisely the matters or controlling decisions which [the party] believes the Court has overlooked." Furthermore, Plaintiff should be mindful of the Court's Individual Rule 4(b), which provides that a memorandum of law in support of a motion is limited to 25 pages. Though Plaintiff is *pro se*, he is not excused from his obligation to make a good-faith attempt to comply with these Rules, which apply equally to all parties litigating before this Court. Moreover, Plaintiff is advised to be judicious in his choice of arguments, as "[i]t is well-settled that Rule 59 is not a vehicle for relitigating old issues, presenting the case under new theories, securing a rehearing on the merits, or otherwise taking 'a second bite at the apple.'" *Sequa Corp. v. GBJ Corp.*, 156 F.3d 136, 144 (2d Cir. 1998).

For the avoidance of doubt, Plaintiff shall therefore file his motion for reconsideration on or before **October 4, 2023**. Defendants shall file their opposition on or before **November 4, 2023**. Plaintiff shall file his reply, if any, on or before **November 18, 2023**.

In light of Plaintiff's *pro se* status, but given Plaintiff's ability to file electronically, Defendants are directed to provide him with electronic copies of all cases cited in their memorandum of law.

The Clerk of Court is directed to terminate the pending motion at docket number 28.

SO ORDERED.

Dated: September 22, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE